

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

DR. DAPHNE THOMAS KASPEREK,

Plaintiff,

Case No. 1:22-cv-001395-PTG-WEF

V.

INOVA HEALTH CARE SERVICES
d/b/a INOVA LOUDOUN HOSPITAL,
and COMMONWEALTH EMERGENCY
PHYSICIANS, P.C.

Defendants.

DECLARATION OF JARED R. BUTCHER

1. I am an attorney with the law firm of Berliner Corcoran & Rowe LLP, attorneys for Plaintiff Dr. Daphne Thomas Kasperek. I am familiar with the facts set forth below. I submit this declaration in support of (i) Plaintiff's Motion for Partial Summary Judgment, (ii) Plaintiff's Opposition to Defendant Inova Health Care Services' Motion for Summary Judgment (ECF No. 80), and (iii) Plaintiff's Opposition to Defendant Commonwealth Emergency Physicians, P.C.'s Motion for Summary Judgment (ECF No. 77).

2. Attached hereto are true and correct copies of the following sixty-nine (69) public exhibits and placeholders. True and correct copies of all exhibits with “[CONFIDENTIAL]” in the description column are being filed separately under seal, pursuant to this Court’s Protective Order dated May 25, 2023 (ECF No. 53) and Local Civil Rule 5(B).

Exhibit	Description	Bates No.
1	Declaration of Plaintiff Dr. Daphne Thomas Kasperek [CONFIDENTIAL]	

2	Professional Services Agreement Inova-CEP (July 1, 2021)	CEP0000215-256
3	Physician Partner Full-Time Employment Agreement for Daphne Thomas (Kasperek) (Sep. 28, 2001)	Kasperek 00000393-418
4	Email from Puccio to Winklosky, FW: Notice of Suspension (Jan. 11, 2022) [CONFIDENTIAL]	Inova_Kasperek0014768
5	Email from Exemption Request/Inova to Kasperek re: COVID Vaccine Exemption Request (Jan. 3, 2022)	Inova_Kasperek0000310-311
6	Email from Winklosky to Kasperek re: Letter, with attachment (Jan. 13, 2022)	Kasperek0000312-315
7	Email from Puccio to CEP Owners re: Meeting (Jan. 13, 2022) [CONFIDENTIAL]	Inova_Kasperek0014781
8	Emails between Puccio and Williams re: Dr. Thomas, with attachment (Jan. 14 and 16, 2022)	Moshirfar 0000001-0000002
9	Emails between Carroll and Huelskamp re: Dr. Daphne Thomas Kasperek's Response to Inova (Jan. 5, 2022) [CONFIDENTIAL]	Inova_Kasperek0009628-9634
10	Email from Puccio to all CEP providers re: Clarification of DocuSign sent today by Sammi (Jun. 22, 2021) [CONFIDENTIAL]	Inova_Kasperek0008788-8789
11	Daphne Thomas (Kasperek) Agreement & Acknowl. Re: Med Staff Memb & Clinical Privileges [CONFIDENTIAL]	Inova_Kasperek0000631-632
12	Inova Loudoun Hospital Medical Staff Bylaws (12/31/2021) [CONFIDENTIAL]	Inova_Kasperek0001165-1233
13	Inova Code of Conduct (2018)	CEP0001613-1631
14	Email from Puccio to Kasperek re: COVID Exemption Approved (July 19, 2021) [CONFIDENTIAL]	Inova_Kasperek0008837-8839
15	Daphne Kasperek Curriculum Vitae	Inova_Kasperek0002126-2128
16	Excerpts from Defendant Inova Health Care Services' Objections and Answers to Plaintiff's First Set of Interrogatories dated August 25, 2023	[No Bates]
17	Restated Shareholder Agreement	CEP_0000035-49
18	Email from Gilliam to Puccio FW: CEP – Dr. Thomas – Covid Vaccine Exemption Form (July 14, 2021) [CONFIDENTIAL]	Inova_Kasperek0008015-8017
19	Email from Kasperek to ExemptionRequests attaching Exemption Form and Letter (July 18, 2021) [CONFIDENTIAL]	Inova_Kasperek0008831-8833
20	Email from ExemptionRequests to Kasperek regarding Vaccine Exemption Approval (July 19, 2021)	Kasperek 00000274-275

21	Email from Huelskamp to BCC recipients re: COVID Exemption – Need to Re-apply for both Temporary and Permanent Medical Exemptions (December 13, 2021) [CONFIDENTIAL]	Inova_Kasperek0015364-15369
22	CEP Management Committee Meeting Minutes, December 8, 2021	CEP_0001700-1715
23	Email from Papuchis to Feely re: attached Exception Form [CONFIDENTIAL]	Inova_Kasperek0003963-3968
24	Inova ExemptionRequests email to Kessler re: M-076 with attachment (December 28, 2021) [CONFIDENTIAL]	Inova_Kasperek0003738-3743
25	Kasperek to Inova recipients re: Dr. Daphne Thomas Kasperek's Response to Inova (December 19, 2021) [CONFIDENTIAL]	Inova_Kasperek0008896-8918
26	Kasperek to Inova recipients re: Submittal: Dr. Daphne Thomas Kasperek's Medical Vaccine Exemption (December 27, 2021) [CONFIDENTIAL]	Inova_Kasperek0008944-9004
27	Excerpts from Summary of Vaccine Exemption Requests and ERC Recommendations (January 3, 2022) [CONFIDENTIAL]	Inova_Kasperek0006792-6794, 6798-6802, 6824-6828
28	Email from ExemptionRequests re: COVID Exemption Forms for Review Dec. 29, 2021 (December 28, 2021) [CONFIDENTIAL]	Inova_Kasperek0003746-3813
29	Dr. Young Park Notes from December 27, 2021 Appointment with Kasperek [CONFIDENTIAL]	ECF No. 81, Exhibit Z
30	CEP Management Committee Meeting Minutes, January 12, 2022	CEP_0001698-1699
31	Inova IHS Mandatory Immunization Policy for Medical Staff (July 7, 2021) [CONFIDENTIAL]	Inova_Kasperek0002024-2030
32	Email from ExemptionRequests to Kessler re: M-076 (December 28, 2021)	Inova_Kasperek0003744-3745
33	Inova Vaccination Exemption Request Forms Addenda (December 6, 2021) [CONFIDENTIAL]	Inova_Kasperek0001644-1650
34	Email from McKinney to Venkatesan re: Medical Exemption Requests Discussion (October 28, 2021) [CONFIDENTIAL]	Inova_Kasperek0006210-6213
35	Email from Kasperek to Puccio re: Update (December 6, 2021) [CONFIDENTIAL]	Kasperek 00000446-447
36	Email from Puccio to Kasperek re: Leave of Absence Notification (December 22, 2021)	Kasperek 00000302-303
37	Email from Kasperek to CEP re: Leave of Absence Notification (December 31, 2021)	CEP_0000290-292
38	Puccio Text Exchange with Cathy Staats (January 3, 2022)	CEP_0001586-1587

39	Email from Kasperek to Inova and CEP re: COVID Vaccine Exemption Request (January 12, 2022)	Kasperek 00000386-392
40	Email from Puccio to Kasperek re: Important Update to Vaccine Exemption Policy Now Effective (November 29, 2021)	Kasperek 00000276-278
41	Puccio Text Exchange with Susan Carroll	CEP_0001600-1601
42	Email from Winklosky to Bernier et al. re: Management Meeting – TONIGHT (Dec. 20, 2021)	CEP_0001507
43	Email from Huelskamp to Kasperek re: Dr. Daphne Thomas Kasperek's Response to Inova (December 22, 2021) [CONFIDENTIAL]	Inova_Kasperek0015370-15372
44	Email from Luca to Motew re: Vaccine Exemption Requests: Week of 12/27/21 (January 3, 2022) [CONFIDENTIAL]	Inova_Kasperek0006447-6449
45	Email from Puccio to Kugler re: Important Update to Vaccine Exemption Policy Now Effective (December 8, 2021)	CEP_0000274-276
46	Email from Kasperek to Puccio re: Important Update to Vaccine Exemption Policy Now Effective (December 8, 2021) [CONFIDENTIAL]	Inova_Kasperek0008893-8895
47	Email from Puccio to Winklosky fwd: Dr. Daphne Thomas Kasperek's Response to Inova (December 20, 2021) [CONFIDENTIAL]	Inova_Kasperek0014648-14650
48	Expert Report By Kirk A. Milhoan, MD, PHD, FACC, FAAP (June 14, 2023) [CONFIDENTIAL]	[No Bates]
49	Response to Rebuttal Report of Hugh Calkins, MD, FACC, FAHA, FHRS by Kirk A. Milhoan, MD, PHD, FACC, FAAP (September 7, 2023) [CONFIDENTIAL]	[No Bates]
50	Excerpts from CEP Provider Employment Agreements [CONFIDENTIAL]	Inova_Kasperek Various
51	Jill McCabe – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
52	Edward Puccio – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
53	Susan Carroll – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
54	Daphne Kasperek – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
55	Susan Winklosky – Deposition Transcript Excerpts	[No Bates]
56	Jay Kugler – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
57	Colleen Huelskamp – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
58	Zachary Malachias – Deposition Transcript Excerpts	[No Bates]

59	Kavitha Cherukuri – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
60	Erin Hodson – Deposition Transcript Excerpts	[No Bates]
61	Dennis Bernier – Deposition Transcript Excerpts	[No Bates]
62	Stephen Motew – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
63	Terri Feely – Deposition Transcript Excerpts [CONFIDENTIAL]	[No Bates]
64	Puccio Email to Kasperek re: Extended Leave of Absence (January 10, 2022)	Kasperek 00000521
65	Jones Email to Motew re: Submittal: Kasperek Medical Vaccine Exemption (December 28, 2021) [CONFIDENTIAL]	Inova_Kasperek0011701- 11706
66	Inova Vaccination Update PPT (August 2021) [CONFIDENTIAL]	Inova_Kasperek0004170- 4175
67	Huelskamp Email to Chiantella re: Puccio in Communication with Inova re: Kasperek (January 4, 2022) [CONFIDENTIAL]	Inova_Kasperek0004881
68	Puccio Email to CEP Management (January 13, 2022)	CEP_0000731-732
69	EEOC Guidance on COVID-19 Vaccination Requirements (July 22, 2022)	[No Bates]

PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 10th day of October, 2023

/s/ Jared R. Butcher
Jared R. Butcher (VA Bar No. 95101)

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October 2023, I caused a copy of the foregoing to be served upon the Parties through the Court's Electronic Case Filing (ECF) system on all parties of record.

/s/ Jared R. Butcher

Jared R. Butcher